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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/551,624	06/26/2006	Stephane Moreau	17258/002001	5504
22511	7590	01/26/2011		
OSHA LIANG L.L.P. TWO HOUSTON CENTER 909 FANNIN, SUITE 3500 HOUSTON, TX 77010			EXAMINER COMLEY, ALEXANDER BRYANT	
			ART UNIT 3746	PAPER NUMBER
			NOTIFICATION DATE 01/26/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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## Office Action Summary

Application No.

10/551,624

Applicant(s)

MOREAU ET AL.

Examiner

ALEXANDER B. COMLEY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 9-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 9-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of the Claims***

1. The Examiner acknowledges Applicant's amendments, arguments, and remarks filed with the Office on November 10<sup>th</sup>, 2010 in response to Non-Final Office Action mailed by the Office on June 11<sup>th</sup>, 2010. Per Applicant's response, Claims 2-8 have been cancelled, while Claim 1 has been amended. No claims are added. All other claims remain in their previously-presented form. Therefore, Claims 1 and 9-18 now remain pending for prosecution in the instant application. The Examiner has carefully considered each of Applicant's amendments and arguments, and they will be addressed below.

### ***Response to Arguments***

2. Applicant's arguments, see pages 6-10 of arguments, filed November 10<sup>th</sup>, 2010, with respect to the 102(b) rejections utilizing US Patent No. 6,384,494 to Avidano et al. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of US Patent No. 4,210,833 to Neveux directed to a Motor-Fan Unit with Cooled Motor.

### ***Claim Rejections - 35 USC § 102***

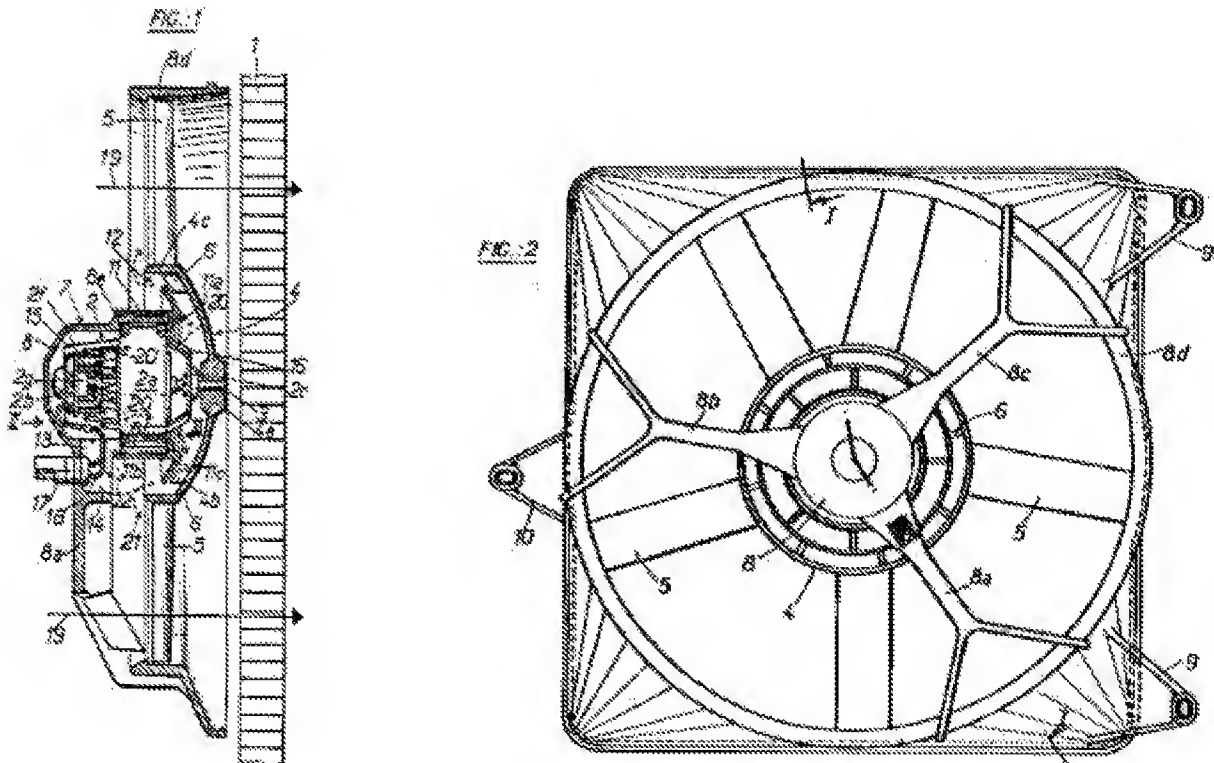
3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1 and 9-18** are rejected under 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4,210,833 to Neveux.



In regards to Independent Claim 1, and with particular reference to Figures 1-2 shown immediately above, Neveux discloses a motor-fan unit (i.e. ventilation device) for the cooling of the circulation water of an automotive internal combustion engine (see Abstract). As shown above, a fan composed of blades 5 is rotationally driven by an open electric motor 2 which is firmly attached to a central support housing (7, 8, 11). Central housing (i.e. central part) is supported by three surrounding support arms (8a-8c), a support collar 8d, and fixing lugs (9, 10). Such a support allows the motor-fan

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unit to be supported behind a radiator of an automotive engine such that the air circulated therethrough can cool the water flowing within the radiator in a well-known manner (see col. 2, lines 26-30). Central housing 7 is comprised of front (8) and rear (11) housing portions that tightly engage with one another in order to fixedly secure the motor 2 therein (see col. 2, lines 40-53). As seen in best in Figure 1, an annular opening (i.e. through hole) complementary to the outer wall of motor 2 extends directly through the center of housing 7 such that the motor is tightly received and held therein. Interior shoulder 8e, rib 8f, and step 11b all engage with one another such that the front and rear housing parts (8, 11) are fixedly secured to one another in order to fixedly hold the motor therein (see col. 2, lines 45-53). It is apparent from Figure 1 that the inner edges of rib 8f, shoulder 8e, and step 11b are all in continuous, sealing, contiguous contact with the outer peripheral wall of the motor. Motor 2 is of the open type such that its electrical circuits are freely exposed to atmosphere (see col. 2, lines 64-65). A motor shaft 3 extends out of motor 2 and is fixedly connected to a rotor 4, which is comprised of a central hub 4a, circular wall 4b, and peripheral part 4c. As seen best in figure 1, the rotor 4 forms a bowl shape, inside which internal cooling ribs/blades 6 are formed for ventilating the interior of the electric motor 2 (see col. 2, lines 30-39). As such, it appears that Neveux discloses all of Applicant's claimed elements.

5. In regards to dependent **Claims 9-10**, see Col. 2, lines 45-53 of Neveux, as well as the analysis for Independent Claim 1 above. Regarding dependent **Claims 11 & 14**, front housing 8 forms a curved, active surface positioned opposite the bowl-shaped

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rotor 4 (see Figure 1) such that cooling air entering the motor in a smoothly flowing manner. In regards to dependent **Claims 12-13 & 15**, the upper left-hand portion of front housing 8 forms a quarter of a circle with the flat, linear left end face forming a substantially transverse portion and the flat, top face forming a substantially axially extending portion (parallel to motor). It is apparent that the housing 7 forms an annular-shaped (i.e. hole shaped) opening that extends opposite that of the rotor bowl 4. Regarding dependent **Claim 16**, Figure 2 clearly shows a collar 8d (i.e. peripheral part) forming a supporting frame that is connected to the central housing 7 via supporting arms (8a-8c). In regards to dependent **Claims 17-18**, Neveux clearly states that the motor-fan unit is for use as an engine cooling and ventilation device of a vehicle.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1 and 9-18 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEXANDER B. COMLEY whose telephone number is (571)270-3772. The examiner can normally be reached on M-F 7:30am - 5:00am EST (Alternate Fridays Off). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Devon C. Kramer can be reached on (571)-

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272-7118. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Alexander B Comley/  
Examiner, Art Unit 3746

/Devon C Kramer/  
Supervisory Patent Examiner, Art  
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ABC